

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4014 of 2021

1. Videshi Kumar Patel S/o Shri Narayan Lal Patel, Aged About 53 Years Posted As Field Assistant At Office Of Executive Engineer Pwd Raigarh Division Raigarh, District Raigarh, R/o Chandmari Raigarh District Raigarh Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh, Through Secretary, Department Of Pwd, Mahanadi Bhavan, Mantralaya Naya Raipur, District Raipur Chhattisgarh.
2. Chief Engineer, PWD Nirman Bhawan Naya Raipur District Raipur Chhattisgarh.
3. Superintendence Engineer, PWD Bilaspur Board, Bilaspur Chhattisgarh.
4. Collector, Raigarh, Chhattisgarh.
5. Executive Engineer PWD Raigarh Division Raigarh, District Raigarh Chhattisgarh.

---Respondents

For Petitioner	:	Shri Rajendra Tripathi, Advocate.
For State	:	Ms. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.08.2021

1. Aggrieved by the order of transfer dated 16.07.2021 the present writ petition has been filed. Vide the impugned order, the petitioner has been transferred from the office of Executive Engineer, PWD, Raigarh to Sub Division, Dharamjaigarh.
2. On a query being put to the counsel for the petitioner, he submits that the petitioner has been working at the present place of posting since the time of his engagement with the respondents. The only ground on which the petitioner seeks to assail the order of transfer is that the petitioner suffers from some disability and that his appointment also was under the disability quota. Therefore, the respondent authorities ought to have sympathetically considered the case of the petitioner.

3. Given the period of service rendered by the petitioner at the present place of posting, this court is of the opinion that as of now this court would only permit the petitioner to make a representation to the respondent authorities in case if he is aggrieved by the impugned order of change of posting by making a suitable representation to the respondents No.3 to 5 who in turn may consider the claim of the petitioner on its own merits taking into consideration firstly the disability part of the petitioner and also consider the provisions of Persons with Disabilities Act, 2016, and take appropriate decision at the earliest preferably within a period of 45 days from the date of receipt of representation.
4. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder